

**ENTERED**

June 03, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISIONJOSE ANTONIO PIZANO  
Petitioner

VS.

WILLIAM STEPHENS,  
DIRECTOR, TEXAS DEPARTMENT OF  
CRIMINAL JUSTICE, CORRECTIONAL  
INSTITUTIONS DIVISION  
Respondent§  
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CIVIL ACTION NO. 7:14-CV-939

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the Court is Petitioner's application for relief pursuant to 28 U.S.C. § 2254, which motion had been referred to the Magistrate Court for a report and recommendation. On April 26, 2016, the Magistrate Court issued the Report and Recommendation (Dkt. #17), recommending that Petitioner's claims under 28 U.S.C. § 2254 be denied and dismissed with prejudice and that a Certificate of Appealability be denied upon the issuance of this Court's final order. The time for filing objections has passed, and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.<sup>1</sup> Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, Respondent's Motion for Summary Judgment

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<sup>1</sup>As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Douglas v. United Services Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)(quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in ACS Recovery Servs., Inc v. Griffin*, No. 11-40446, 2012 WL 1071216, at \*7 n.5 (5th Cir. April 2, 2012).

(Dkt. Entry No. 16) is **GRANTED** for the reasons explained in the report, Petitioner's claims under 28 U.S.C. § 2254 are **DENIED** and **DISMISSED** with prejudice for the reasons explained in the report. A Certificate of Appealability is **DENIED**.

SO ORDERED this 2nd day of June, 2016, at McAllen, Texas.

A handwritten signature in black ink, reading "Randy Crane", written over a horizontal line.

Randy Crane  
United States District Judge